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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,644	01/20/2004	T. Michael Abinanti	TMA-101	5316

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EXAMINER

ORGAD, EDAN

ART UNIT PAPER NUMBER

2684

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/762,644	ABINANTI, T. MICHAEL	
	Examiner	Art Unit	
	Edan Orgad	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-19,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-19,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

Applicant's arguments simply state that applicant has amended claim 11 to clarify that a transmitter module is positioned within a pocket formed by a sleeve which is removably fastened about a gunstock.

With respect to applicant's argument, examiner respectfully disagrees. Kendir specifically discloses laser assembly 2 **includes** bracket 3 and laser transmitter module 4 (see figure 2). Kendir further discloses the laser assembly can be constructed of any suitable materials and **may be fastened to firearm 6 at any suitable locations by any conventional or other fastening techniques** (last sentence in paragraph 0034). Therefore, Kendir discloses a transmitter module (element 4) positioned within a sleeve (laser assembly 2) which is removable (element 146) about the gunstock (again, Kendir specifically teaches fastening the laser assembly at any suitable location).

Also, applicant argues "positioned with **a pocket** formed by the sleeve", examiner fails to see where "a pocket" is claimed. Applicant is reminded that although the claims are read in light of specification, limitations from the specification are not read into the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2684

Claims 1-3, 7-12, 14-16 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kendir et al (US 2002/0197584).

Regarding claim 1, Kendir teaches a transmitter module (fig. 1A, element 4) one of detachably mounted to and integrated with a sporting equipment (§ 0031 & element 6 is a rifle, also see figure 2 which shows the integration and mounting of the transmitter module to the rifle), and the transmitter module positioned within a sleeve (Kendir specifically discloses laser assembly 2 **includes** bracket 3 and laser transmitter module 4, see figure 2 & paragraph 0033, *furthermore, according to Webster's dictionary a sleeve is a tubular part designed to fit over another part, therefore, a sleeve broadly stated is not limited to any specific material, shape or form*) removably fastened about the sporting equipment (figure 2, element 146 & a barrel type bracket § 0033).

Regarding claim 2, Kendir teaches a remote receiver device (element 10) in responsive communication with the transmitter module, and the remote receiver device receiving at least one control signal transmitted from the transmitter module (§ 0031).

Regarding claim 3, Kendir teaches the sporting equipment comprises a firearm (element 6, discloses a rifle).

Regarding claim 7, Kendir teaches the transmitter module further comprises a microcontroller in operational control communication with a remote receiver device (§ 0018).

Regarding claim 8, Kendir teaches the microcontroller further comprises an electronic circuit board (§ 0034).

Regarding claim 9, Kendir teaches the transmitter module further comprises at least one control contact (element 27, a wave sensor actuated by trigger 7).

Regarding claim 10, Kendir teaches the trigger (element 7) of the rifle as an actuator for the transmitter (element 4, Kendir discloses one control contact comprises a pushbutton for transmitting a dedicated control signal to a remote receiver device).

Regarding claim 11, Kendir teaches a sleeve removeably fastened (figure 2, element 146) about a gunstock (Kendir discloses a laser assembly can be constructed of any suitable materials and *may be fastened to firearm 6 at any suitable locations* by any conventional or other fastening techniques, last sentence in paragraph 0034) and a transmitter module (fig. 1A, element 4) positioned within the sleeve (Kendir specifically discloses laser assembly 2 **includes** bracket 3 and laser transmitter module 4, see figure 2 & paragraph 0033, *furthermore, according to Webster's dictionary a sleeve is a tubular part designed to fit over another part, therefore, a sleeve broadly stated in not limited to any specific material, shape or form*).

Regarding claim 12, Kendir teaches a remote receiver device in responsive communication with the transmitter module, and the remote receiver device receiving at least one control signal transmitted from the transmitter module (§ 0031).

Regarding claim 14, Kendir teaches the transmitter module further comprises a microcontroller in operational control communication with a remote receiver device (§ 0034).

Kendir teaches 15, Kendir teaches the transmitter module further comprises at least one control contact (element 27, a wave sensor actuated by trigger 7).

Regarding claim 16, Kendir teaches the trigger (element 7) of the rifle as an actuator for the transmitter (element 4, Kendir discloses one control contact comprises a pushbutton for transmitting a dedicated control signal to a remote receiver device).

Art Unit: 2684

Regarding claim 18, Kendir teaches a remote receiver device translates the control signal into at least one of an electrical action and a mechanical action (§ 0031 & 0032).

Regarding claim 19, Kendir teaches a transmitter module (fig. 1A, element 4) positioned within a sleeve (Kendir specifically discloses laser assembly 2 **includes** bracket 3 and laser transmitter module 4, see figure 2 & paragraph 0033, *furthermore, according to Webster's dictionary a sleeve is a tubular part designed to fit over another part, therefore, a sleeve broadly stated is not limited to any specific material, shape or form*) the sleeve removably fastened about a piece of sporting equipment (figure 2, element 146 & a barrel type bracket § 0033). Kendir further teaches a remote receiver device in responsive communication with the transmitter module, the remote receiver device receiving at least one control signal transmitted from the transmitter module and translating the control signal into at least one of an electrical action and a mechanical action (figure 1A & § 0031-0032).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kendir et al (US 2002/0197584).

Art Unit: 2684

Regarding claim 13, Kendir does specifically disclose at least one of a snap, a button, a hook-and-loop fastener, a strap fastener and a zipper fastens the sleeve to the gunstock.

However, official notice is taken that snaps and button used as fasteners are well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art to make Kendir's control device, for example, a snap like fastener that will fasten to the stock barrel because Kendir teaches a bracket (control device) that can be constructed of any suitable materials and may be fastened at any location on the firearm (see bottom of ¶ 0034).

Regarding claim 17, Kendir teaches a dedicated control signal comprising an optical signal but fails to specifically disclose at least one of a voice signal, a sound signal, a single shock signal, a multiple shock signal, a single vibration signal and a multiple vibration signal.

However, official notice is taken that dedicated control signals comprising voice signals etc. are very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a voice signal to Kendir's already existing control signal comprising an optical signal in order to provide the shooter and computer operator with voice ability in instances where the shooter is at distance far enough where "talking" would not be heard.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kendir et al (US 2002/0197584) in view of Holford (US # 5,044,107).

Regarding claim 21, Kendir teaches the trigger of the rifle as a controller/actuator of the transmitter.

Kendir fails to specifically disclose the transmitter module further comprises a control panel in operational control communication with a remote receiver device, the control panel comprising a plurality of pushbuttons, each pushbutton of the plurality of pushbuttons corresponding with a dedicated control signal.

In the same field of endeavor, Holford teaches a talking rifle comprising a communications device mounted and integrated on a rifle stock where the communications device comprises a control panel in operational control communication with a remote receiver device, the control panel comprising a plurality of pushbuttons, each pushbutton of the plurality of pushbuttons corresponding with a dedicated control signal (see Holford, figure 1, col. 2, lines 9-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Holford's talking rifle apparatus with Kendir's laser training rifle in order to provide communications means between the shooter and any trainer or computer operator.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kendir et al (US 2002/0197584) in view Holford (US # 5,044,107) and further in view of Kim et al (US 6,598,563).

Regarding claim 22, Kendir teaches the trigger of the rifle as a controller/actuator of the transmitter. Kendir fails to specifically disclose the transmitter module further comprises a

Art Unit: 2684

control panel in operational control communication with a remote receiver device, the control panel comprising a plurality of pushbuttons, each pushbutton of the plurality of pushbuttons corresponding with a dedicated control signal.

However, in the same field of endeavor, Holford teaches a talking rifle comprising a communications device mounted and integrated on a rifle stock where the communications device comprises a control panel in operational control communication with a remote receiver device, the control panel comprising a plurality of pushbuttons, each pushbutton of the plurality of pushbuttons corresponding with a dedicated control signal (see Holford, figure 1, col. 2, lines 9-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Holford's talking rifle apparatus with Kendir's laser training rifle in order to provide communications means between the shooter and any trainer or computer operator.

Kendir as modified by Holford teach wherein a first push button of the plurality of pushbuttons operates a sound signal (see Holford: col. 2, lines 5-31).

Kendir and Holford fail to specifically disclose a second pushbutton of the plurality of pushbuttons operates at least one of a single shock signal and a single vibration signal and a third pushbutton of the plurality of pushbuttons operates at least one of a multiple shock signal and a multiple vibration signal.

In related art, Kim teaches a communications device with training pushbuttons (figure 1 & col. 3, lines 8-25).

Art Unit: 2684

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kim's training pushbutton device with Kendir's laser training rifle in order to provide Kendir's already existing hunting training rifle with greater control means and communications.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Varshneya et al (US 6,406,298) discloses laser rifle with transmitter, where the transmitter is within the sleeve and the sleeve is removable, see figure 1, elements 10, 24, 34 and 42.

Hoover (US 5,563,574) discloses electronic sound producing animal distraction device for use on a sporting equipment (figure 7, rifle 22).

Dye et al (US 3,938,262) discloses laser transmitter mounted to a rifle where the transmitter is mounted within the sleeve (figure 1, elements 11, 15, 20 and 21).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2684

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 571-272-7884. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

12/26/08